

IN THE CLAIMS:

1. to 33. (Canceled)

34. (Currently Amended) A drug delivery device, ~~comprising~~  
consisting of:

a substantially hollow container, said container being sized and adapted for insertion into a tissue or organ *in vivo* to within about 1 millimeter of a desired position within the tissue or organ, said container including  
~~one or more openings therein~~ having an opening at each end thereof, said openings being sized and arranged to provide for the controlled diffusion of a therapeutic agent out of said container, the therapeutic agent comprising (1) a nucleic acid sequence, protein, or polypeptide and (2) a radionuclide.

35. (Previously Presented) The drug delivery device of claim 34, wherein the container has a uniform cross-sectional area along a longitudinal axis.

36. (Previously Presented) The drug delivery device of claim 34, wherein said container is formed of a metal.

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37. (Previously Presented) The drug delivery device of claim 36, wherein the metal is titanium.

38. (Canceled)

39. (Previously Presented) The drug delivery device of claim 34, wherein said openings are round holes.

40. (Canceled)

41. (Previously Presented) The drug delivery device of claim 34, wherein said container is substantially cylindrical in shape.

42. (Canceled)

43. (Currently Amended) The drug delivery device of claim ~~42~~ 34, wherein said container has a length in the range of 0.002 to 3 inches, a diameter in the range of 0.004 to 4 inches, and a wall thickness in the range of 0.0005 to 0.5 inches.

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44. (Previously Presented) The drug delivery device of claim 43, wherein said openings are round holes having an average diameter in the range of 0.002 to 0.2 inches.

45. to 70. (Canceled)